

STATUS OF THE CLAIMS

Claims 11-18, 20, 22, 23, 26-28 and 30-38 are pending in the application. Claims 1-10, 19, 21, 24-25 and 29 were previously cancelled. Claims 27 and 33-38 were previously withdrawn pursuant to a restriction requirement, thus claims 11-18, 20, 22, 23, 26, 28 and 30-32 are presented for examination.

Claim 1 has been amended to recite *an elongated helical element extending through the lumen from the driving system connection end to at least a portion of the needle assembly, the elongated helical element defining a mixing member being rotatable within the lumen in both the proximal portion and the distal portion.*

Claim 18 has been amended to recite *an elongated helical element defining a mixing member for coupling to the drive mechanism, the elongated helical element extending through proximal and distal ends of the housing and into the tube of the syringe.*

Support for the amendments to claims 1 and 18 may be found on page 5, lines 3-20 and figures 1, 2 and 3A-3E of Applicant's specification. No new matter has been added.

Rejection Under 35 USC 103(a)-Barker in View of Murphy

Claims 11, 17, 26, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al., US 6,033,105 (Barker) in view of Murphy, US 6,273,916 (Murphy).

Claims 18, 20, 22-23, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al., US 6,033,105 (Barker) in view of Murphy, US 6,273,916 (Murphy).

The Examiner has rejected Claims 12-16 as being unpatentable over Barker in view of Murphy and further in view of Critchlow et al., U.S. Pat. Pub. 2003/0171712 ("Critchlow").

Applicant respectfully traverses these rejections.

Independent claims 1 and 18 have been amended to recite that the elongated helical element extends through both the proximal and distal ends of the housing. Barker shows in Fig. 3 a multi-component shaft member 28 that includes a mixing portion 29 and a movement controlling portion 30 (see col. 6, lines 53-57 of the reference). As the Examiner apparently recognizes, only movement portion 30 includes an elongated helical element (i.e., thread member

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63). In addition, movement portion 30 at most ends through the distal end of the housing 22, not the proximal end. Accordingly, the elongated helical element does not extend through both the proximal and distal ends of the housing, as required by independent claims 1 and 18 as amended. The remaining references cited by the Examiner do not overcome this deficiency in Barker.

Accordingly, for at least the aforementioned reason, the rejection of independent claims 1 and 18 as amended and the claims that depend therefrom under 35 U.S.C. 103 should be reconsidered and withdrawn.

CONCLUSION

In view of the above, Applicant submits that all pending claims are in condition for allowance. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

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